

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**IN THE MATTER OF THE OUCC'S REQUEST FOR)
COMMISSION INVESTIGATION OF THE UTILITY)
OPERATIONS OF HARBOR TOWN SANITARY)
SEWAGE CORP. AND TO TAKE SUCH REMEDIAL) CAUSE NO. 44468
ACTION AS IT DEEMS ADVISABLE AND)
NECESSARY WITH REGARD TO SUCH)
OPERATIONS)**

REBUTTAL TESTIMONY OF


SCOTT A. BELL – PUBLIC'S EXHIBIT NO. 2

ON BEHALF OF THE

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR

JULY 2, 2014

Respectfully submitted,


Daniel M. Le Vay, Atty. No. 22184-49
Deputy Consumer Counselor

REBUTTAL TESTIMONY OF OUCC WITNESS SCOTT A. BELL
CAUSE NO. 44468
INDIANA UTILITY REGULATORY COMMISSION INVESTIGATION OF
HARBOR TOWN SANITARY SEWAGE CORP.

I. INTRODUCTION

1 **Q: Please state your name and business address.**

2 A: My name is Scott A. Bell, and my business address is 115 West Washington Street, Suite
3 1500 South, Indianapolis, Indiana 46204.

4 **Q: By whom are you employed and in what capacity?**

5 A: I am employed by the Indiana Office of Utility Consumer Counselor ("OUCC") as the
6 Director of the Water/Wastewater Division.

7 **Q: Are you the same Scott A. Bell that previously filed testimony in this case?**

8 A: Yes. I filed my written testimony, which included several attachments, on May 30, 2014.
9 My testimony was marked as Public's Exhibit No. 1 and was filed on behalf of the
10 OUCC.

11 **Q: When was Harbor Town Sanitary Sewage Corp. ("Harbor Town") scheduled to file**
12 **its case-in-chief in this case?**

13 A: The Commission's May 21, 2014 Prehearing Conference Order stated that "Harbor Town
14 and any Intervenors shall prefile with the Commission the prepared testimony and
15 exhibits constituting their respective cases-in-chief on or before June 20, 2014."

16 **Q: Did Harbor Town prefile its case-in-chief on or before June 20, 2014?**

17 A: No. Harbor Town did not provide any written testimony on or before June 20, 2014. As
18 of the filing of this testimony, the OUCC has not received anything from Petitioner that
19 could be identified as its case-in-chief.

1 **Q: Has Harbor Town submitted anything to the Commission regarding this pending**
2 **investigation?**

3 A: Yes. According to a June 10, 2014 Commission docket entry, it appears that Harbor
4 Town's President Mr. Regis Palmer sent a letter to the Commission. In that letter, Mr.
5 Palmer indicated that he could not afford an attorney to represent the Utility in this
6 matter. He also indicated that he was in failing health and was "no longer able to or
7 willing to continue to shell out money I don't have for something I don't want." He also
8 stated "I am willing and have been for some time to give the ownership to the
9 Harbortown Homeowners Association with certain considerations."

10 **Q: Has the information contained in Mr. Palmer's letter to the Commission, caused you**
11 **to change any of your opinions or recommendations set forth in you prefiled written**
12 **testimony?**

13 A: No. If anything, the information reaffirms my assertion that the current owner does
14 not have the managerial, technical and financial capacity to own and operate the utility.
15 The Utility continues to have severe deficiencies that it has failed to remedy and has
16 failed to furnish reasonable adequate sewer disposal services and facilities as required by
17 Indiana Code § 8-1-2-89(h). In addition, the Utility has not filed its 2013 IURC Annual
18 Report, which was due to be filed on May 1, 2014.

II. OUCC RECOMMENDATIONS

19 **Q: Please summarize your recommendations to the Commission in this cause.**

20 A: I recommend that following:

21 (1) the Commission find the Utility has severe deficiencies that it has failed to
22 remedy;

23 (2) the Commission find the that the Utility does not have the managerial, technical

1 and financial capability to adequately operate the utility;

2 (3) the Commission find the Utility failed to furnish reasonable adequate sewage
3 disposal services and facilities as required by Indiana Code § 8-1-2-89(h);

4 (4) that pursuant to IC § 8-1-30-5 the Commission provide for appointment of a
5 receiver or the acquisition of the Utility; and

6 (5) the Commission order the Utility to file its 2013 IURC Annual Report.

7 **Q: Does this conclude your testimony?**

8 **A: Yes.**

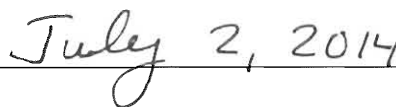
AFFIRMATION

I affirm, under the penalties for perjury, that the foregoing representations are true.

A handwritten signature in cursive script that reads "Scott A. Bell". The signature is written in dark ink and is positioned above a horizontal line.

Scott A. Bell

Indiana Office of Utility Consumer Counselor

A handwritten date in cursive script that reads "July 2, 2014". The date is written in dark ink and is positioned above a horizontal line.

Date

Cause No. 44468

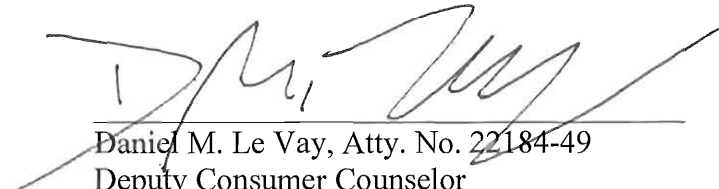
Harbor Town Sanitary Sewage Corporation

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing ***OUCC Rebuttal Testimony of Scott A. Bell: Public's Exhibit No. 2*** has been served upon the following by electronic service or exclusively by U.S. Mail as indicated on July 2, 2014 .

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